

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

VICTOR SANCHEZ ESPINOZA,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-09-203-D
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER OF DISMISSAL

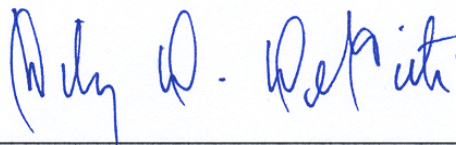
This matter comes before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell on March 2, 2009, pursuant to 28 U.S.C. § 636(b)(1)(B). Judge Purcell found that Petitioner has sufficient funds to pay the \$5.00 filing fee for an action for a writ of habeas corpus under 28 U.S.C. § 2241. Thus, Judge Purcell recommended the denial of Petitioner's motion to proceed *in forma pauperis* and the dismissal of this action if Petitioner failed to pay the filing fee by March 23, 2009.

A review of the case file reveals that Petitioner has neither paid the \$5.00 filing fee nor filed a timely written objection to the Report and Recommendation, even though he was specifically advised of his right to object, the deadline for any objection, and the consequences of failing to object. The Court therefore finds that Petitioner has waived further review of the recommended rulings. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996). For this reason, and because the filing fee remains unpaid, the Court concurs in Judge Purcell's recommendations.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. 6] is adopted. Petitioner's Motion for Leave to Proceed In Forma Pauperis [Doc. 5] is DENIED.

IT IS FURTHER ORDERED that this action is DISMISSED without prejudice to refiling for failure to pay the required fee.

IT IS SO ORDERED this 31st day of March, 2009.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE